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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

ERIC OSWALDO HERMIDA RUIZ;
REYNA MEJIA NERI,

Petitioners,

v.

ERIC H. HOLDER, Jr., Attorney General,

Respondent.

No. 07-71767

Agency Nos. A095-196-480
A095-197-554

MEMORANDUM^{*}

On Petition for Review of an Order of the
Board of Immigration Appeals

Submitted March 18, 2009^{**}

Before: LEAVY, HAWKINS, and TASHIMA, Circuit Judges.

Eric Oswaldo Hermida Ruiz and Reyna Mejia Neri, spouses and natives and citizens of Mexico, petition pro se for review of the Board of Immigration Appeals' order summarily affirming an immigration judge's ("IJ") decision

^{*} This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

^{**} The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

denying their applications for cancellation of removal. Our jurisdiction is governed by 8 U.S.C. § 1252. We review de novo questions of law.

Molina-Estrada v. INS, 293 F.3d 1089, 1093 (9th Cir. 2002). We dismiss in part and deny in part the petition for review.

We lack jurisdiction to review the IJ's discretionary determination that Mejia Neri failed to show the requisite hardship to a qualifying relative. *See Martinez-Rosas v. Gonzales*, 424 F.3d 926, 930 (9th Cir. 2005).

To the extent Petitioners contend that the IJ did not adequately consider their evidence of hardship, Petitioners have not stated a colorable due process claim in light of the record. *See id.*

The IJ correctly concluded that Hermida Ruiz was statutorily ineligible for cancellation of removal because he lacked a qualifying relative. *See* 8 U.S.C. § 1229b(b)(1)(D); *Molina-Estrada*, 293 F.3d at 1093-94.

PETITION FOR REVIEW DISMISSED in part; DENIED in part.